Department of Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204 Baltimore County, Maryland

In the Matter of Civil Citation No. 56221

George Thomas Delamater Catherine M. Delamater

708 Dorchester Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on March 24, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428 Zoning Commissioner's Policy Manual (ZCPM), Baltimore County Code (BCC) section 13-7-112, 115, 310, 312, failure to cease the outside storage of all unlicensed/inoperable motor vehicles, failure to cease the operation of an illegal service garage, failure to remove all junk, trash and debris from property on residential property zoned DR 5.5 known as 708 Dorchester Road, 21228.

On February 17, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: the Respondent, George Thomas Delamater, Jr. and Gary Freund, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

- A. A Correction Notice was issued to Respondents in July 2008 for having eleven untagged vehicles, open dump, illegal service garage, contractor equipment, junk, trash, and debris, and tall grass and weeds on the property. Following a time extension for compliance, the violations were corrected and the case was closed on September 9, 2008.
- B. On February 17, 2009, the property was inspected. Photographs show multiple unlicensed and/or inoperable motor vehicles stored outside. Pursuant to departmental policy, a Citation was issued without prior Correction Notice because Respondents had violated the same code provisions within the year. Re-inspection on March 19, 2009 found multiple unlicensed vehicles, some with body damage, and auto repair equipment. Photographs also show junk and trash.
- C. Respondent Delamater testified that the family races cars in a demolition derby such as events sponsored by the Arcadia Volunteer Fire Company. He testified that this is a family hobby and not a business enterprise.
- D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have violated these limitations with numerous vehicles. To comply with County law, Respondents must find an alternative site to store their vehicles and to work on the vehicles. Respondents must also remove junk, trash and debris from the yard.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) on condition the Respondents correct the violations by April 6, 2009. If Respondents fail to correct the violations, the full civil penalty shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25th day of March 2009.

Signed: ORIGINAL SIGNED

Margaret Z. Ferguson

Baltimore County Hearing Officer

NOTICE TO VIOLATOR: The violator is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Violator may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Violator may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf